APPENDIX C.
AQUATIC RESOURCE ALTERATION PERMIT

RULES
OF
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
WATER QUALITY CONTROL BOARD
DIVISION OF WATER POLLUTION CONTROL

CHAPTER 1200-4-7
AQUATIC RESOURCE ALTERATION

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1200-4-7-.01 GENERAL

(1) These rules are promulgated in order to prevent the future pollution of state waters and to plan for the future use of such waters so that the water resources of Tennessee might be used and enjoyed to the fullest extent consistent with the maintenance of unpolluted waters, T.C.A. §69-3-102(b). Persons who wish to conduct an activity that may impact a water of the state shall consider avoidance and minimization of such impacts. If impacts to the waters will occur, mitigation as set forth in part (7) of these rules must be proposed to offset any lost resource value.

(2) The Federal Water Pollution Control Act or Clean Water Act, §401 (33 U.S.C. §1341), provides that an applicant for a federal license or permit for a discharge into the waters of the United States must provide the federal licensing or permitting agency a certification from the State in which the discharge originates or will originate, and that any such discharge will comply with the applicable provisions of §§301, 302, 303, 306 and 307 of that Act.

(3) Additionally, the Tennessee Water Quality Control Act of 1977, T.C.A. §69-3-108(b)(1), provides that it is unlawful for any person, except in accordance with the conditions of a valid permit, to carry out any activity which may result in the alteration of the physical, chemical, radiological, biological, or bacteriological properties of any waters of the State, including wetlands. These activities include, but are not limited to: the discharge of dredge or fill material, dredging, stream channel modifications, water withdrawals, wetlands alterations including drainage, and other construction activities which result in the alteration of the waters of the State. State permits for these activities are either §401 Water Quality Certifications or Aquatic Resource Alteration Permits.

(4) This regulation prescribes procedures peculiar to these permits, in addition to the general requirements and procedures of Chapter 1200-4-1 of the Rules of the Water Quality Control Board and the Department of Environment and Conservation, and the Tennessee Water Quality Control Act of 1977. This regulation only applies to activities which do not require a National Pollutant Discharge Elimination System (NPDES) permit or which do not result from the operation of a treatment system.

***Authority**: T.C.A. §69-3-105(b) and 69-3-108.* ***Administrative History**: Original rule filed February 26, 1987; effective April 12, 1987. Amendment filed October 8, 1991; effective November 22, 1991. Amendment filed August 25, 2000; effective November 8, 2000.*

1200-4-7-.02 EXEMPTIONS

(1) Management activities such as timber harvesting and beaver control, which do not alter or adversely affect the classified uses of waters of the state, are not subject to these requirements.

(2) Agriculture and forestry activities and activities necessary to the conduct thereof and lands devoted to the production of agricultural or forestry products are exempt from the requirements of the Act and these rules,

unless there is a point source discharge, as provided in T.C.A. §69-3-120(g). Thus, normal farming, forestry and livestock management activities such as plowing, seeding, cultivating, minor drainage, water withdrawal for irrigation, and harvesting for the production of food, fiber, and forest products are exempt if they are part of an established (i.e., on-going) farming, forestry, or livestock management operation, unless there is a point source discharge.

(3) The Department of Agriculture provides guidance for development of best management practices (BMP's) for agriculture and forestry. One of the primary goals of these BMP's is the prevention of soil erosion and discharge of silt and sedimentation to streams. These BMP's should be followed. If silvicultural activities fail to use BMP's and a point source discharge results in water pollution, the Commissioner is authorized to issue a stop work order under P.Ch. 680 of the Acts of 2000.

(4) Existing water withdrawals on July 25, 2000, which do not adversely alter or effect the classified use of the source stream, are not subject to these requirements.

Authority: *T.C.A. §69-3-105(b) and §69-3-108.* ***Administrative History:*** *Original rule filed February 26, 1987; effective April 12, 1987. Amendment filed October 8, 1991; effective November 22, 1991. Amendment filed August 25, 2000; effective November 8, 2000.*

1200-4-7-.03 DEFINITIONS

As used in this rule chapter and in any ARAP permit issued, including General Permits, the following terms have these meanings:

(1) "Act" means The Tennessee Water Quality Control Act of 1977, as amended, T.C.A. §69-3-101 et seq.

(2) "Activity " means any and all work or acts associated with the performance, or carrying out of a project or a plan, or construction of a structure.

(3) "Adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the State by man-made dikes or barriers, natural river berms and the like are "adjacent wetlands".

(4) "Aquatic Resource Alteration Permit" means a permit pursuant to §69-3-108 of the Tennessee Water Quality Control Act of 1977, which authorizes the alteration of properties of waters of the State which result from activities other than discharges of wastewater through a pipe, ditch or other conveyance. Such a permit shall impose conditions, including standards and terms of periodic review, as are necessary to accomplish the purposes of the Act.

(5) "Background Conditions" means the biological (plant and animal species), chemical and physical conditions of the wetland or water body prior to the proposed activity. If the water body is disturbed, it may be necessary to use the biological, chemical and physical conditions of a similar water body as a reference condition.

(6) "Best Management Practices" means a schedule of activities, prohibition of practices, maintenance procedures and other management practices to prevent or reduce the pollution of waters of the State. BMP's include methods, measures, practices, and design and performance standards.

(7) "Certification" means an Aquatic Resource Alteration Permit under the Tennessee Water Quality Control Act of 1977, as required by §401 of the Federal Water Pollution Control Act, which certifies, either unconditionally or through imposition of terms under which the activity must be carried out, that the activity will comply with applicable provisions of §§301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act and Chapter 1200-4-1 of the Rules of the Water Quality Control Board and the Department of Environment and Conservation and the Act.

(8) "Channelization" means the alteration of stream channels including but not limited to straightening, widening, or enlarging.

(9) “Cofferdam” means an enclosure from which water can be pumped to expose the bottom of a body of water or a barrier constructed to divert the flow of water to allow construction work.

(10) “Commence Construction” means the physical initiation of on-site structural or earthmoving work.

(11) “Constructed Wetland” means intentionally designed, built and operated on previously nonwetland sites for the primary purpose of wastewater treatment or storm water retention; such wetlands are not created to provide mitigation for adverse impacts or other wetlands.

(12) “Clearing and Grubbing” means the removal of vegetation by cutting and digging up roots and stumps.

(13) "Cumulative Impacts" means the impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. A cumulative impact to a wetland can be the loss of the variety of the natural wetland types, wetland acreage, functions and classified uses.

(14) “Debris” means woody materials, trash, flotsam, dislodged vegetation, and other potentially mobile materials, which may, when located within a stream channel, contribute to flow blockage. This does not include gravel, sand, soil or its constituents such as silt, clay or other sediments.

(15) “Ditch” means a man-made excavation for the purpose of conveying water. Ditches do not include streams, modified streams or canals.

(16) "Dredging" (sand and gravel dredging) means the removal of sand, gravel and similar sediments or deposits from a stream, river, or lake bed or wetland by any method.

(17) “Earthmoving” means any construction or other activity which disturbs the surface of the land including, but not limited to, excavation, embankment, fill, and cut of soil, rock, or earth.

(18) "Emergency" means a situation where life or substantive improvements to real property is in immediate danger.

(19) “Erosion” means the process by which the land surface is worn away by the action of water, wind, gravity, chemicals, or a combination thereof.

(20) “Excavation” (a) means a cavity formed by digging, quarrying, uncovering, displacing, or relocating soil or rock; or, (b) means to dig or remove soil, rocks, or other materials resulting in a change in all or part of the elevation of a site.

(21) "General Permit" means a permit issued under the Act and this Rule authorizing an alteration to state waters within the state for a specified category of activities that are substantially similar in nature.

(22) “Hydrogeomorphic System” means a classification system for wetlands based on geomorphic setting, water source, and hydrodynamics; used to identify and group functionally similar wetlands.

(23) "Individual Permit” means a permit issued by the Division of Water Pollution Control to a specified person to conduct specified activities at a specified location. This type of permit does not authorize an activity by a class of persons or the public in general.

(24) “In the Dry” means in such a manner that no equipment or dredged material is in contact with the stream or wetland and that the soil water boundary is not disturbed by equipment or that no infiltration is pumped to the stream from the dredge site.

(Rule 1200-4-7-.03, continued)

(25) "Minimal Impacts" means an activity for which the scope is very limited in area, the impact is very short in duration, and has no impact to waters just downstream of the location of the activity. Examples of activities with 'minimal impacts' include, but are not limited to, (1) minor channel changes associated with bank stabilization; and (2) an activity typically authorized by General Permit, but which requires an Individual Permit because the project falls under one of the listed exclusions.

(26) "Minor Road Crossing" is a bridged or culverted roadway fill across a stream or river which results in the alteration of 200 linear feet or less of streambed or shoreline.

(27) "Mitigation" means compensating for impacts in regulated areas as provided by Rule 1200-4-7-.04(7).

(28) "Practicable alternative" is an alternative that is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

(29) "Resource Values" are the benefits provided by the water resource. These benefits include, but are not limited to, the ability of the water resource to:

(a) filter, settle and/or eliminate pollutants;

(b) prevent the entry of pollutants into downstream waters;

(c) assist in flood prevention;

(d) provide habitat for fish, aquatic life, livestock and water fowl;

(e) provide drinking water for wildlife and water fowl;

(f) provide and support recreational uses; and

(g) provide both safe and adequate quality and quantity of drinking water.

(30) "Sediment" means soil or its constituents that has been deposited in water, is in suspension in water, is being transported, or has otherwise been removed or disturbed from its site of origin.

(31) "Sedimentation or Siltation" means the process by which sediment is deposited in or by the waters of the State.

(32) "Settling Basin" means a prepared storage area constructed to trap and store sediment from erodible areas in order to protect any streams below the construction areas from excessive siltation; an impoundment that accumulates transported sediment and has provisions for a principal spillway; a reservoir which retains high flows sufficiently to cause deposition of transported sediment.

(33) "Stabilize" means the proper placing, grading, and/or covering of soil, rock, or earth to insure their resistance to erosion, sliding or other movement.

(34) "Stream" means all waters of the State on the surface of the ground except wet weather conveyances; streams include, but are not limited to, creeks, rivers, canals, and tributaries.

(35) "Structure" means any building, pier, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, mooring structure, moored floating vessel, piling, aid to navigation, bridge, culvert or any other obstacle or obstruction.

(36) "Utility Line" means any pipe or pipeline for the transportation of any gaseous, liquid, liquefiable or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone and telegraph messages, and radio and television communication.

(Rule 1200-4-7-.03, continued)

(37) "Water Dependent" describes an activity that requires location in or adjacent to surface waters or wetlands in order to fulfill its basic purpose.

(38) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(39) "Wetland Dependent" means that the location of a project or conducting an activity in a wetland is essential to fulfill the purpose of the project. Examples of such projects are fish and wildlife management, nature trails, wildlife observation points, etc.

(40) "Wet Weather Conveyances" are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality, and whose channels are above the groundwater table, and which do not support fish or aquatic life, and are not suitable for drinking water supplies.

(41) Terminology not specifically defined herein shall be defined in accordance with the Tennessee Water Quality Control Act of 1977, T.C.A. §69-3-101 et seq., and the rules adopted thereunder.

Authority: *T.C.A. §69-3-105(b) and 69-3-108.* ***Administrative History:*** *Original rule filed February 26, 1987; effective April 12, 1987. Amendment filed October 8, 1991; effective November 22, 1991. Amendment filed August 25, 2000; effective November 8, 2000.*

1200-4-7-.04 PERMITS

(1) Application for a Permit.

(a) Any person who plans to engage in any of the activities outlined in §69-3-108 must obtain a permit from the Commissioner to lawfully engage in such activity. There are three (3) types of permits: Individual Permits; §401 Water Quality Certifications; and General Permits. There are several types of General Permits: (1) a General Permit that authorizes the implementation of the activity in accordance with all the terms and conditions of the General Permit without prior notice and approval from the Commissioner; (2) a General Permit which requires the applicant notify TDEC of the planned activity prior to implementing the activity in accordance with the terms and conditions of the General Permit; and (3) a General Permit which requires the applicant to notify the Commissioner of the planned activity and receive approval from the Commissioner prior to implementing the activity in accordance with the terms and conditions of the General Permit. Certain of the General Permits authorize an activity that is authorized by a Nationwide Permit of the U.S. Corps of Engineers and therefore serve as a §401 Certification. Persons need not file an application with the Commissioner if they are conducting an activity pursuant to a General Permit that does not require Notice or approval. Persons who desire to implement an activity pursuant to a General Permit, which requires Notice or Notice and prior approval, must submit the necessary documentation required by the General Permit prior to implementing the planned activity in accordance with the terms and conditions of the General Permit. A person must file an application for an Individual Permit or for a §401 Water Quality Certification with the Department, in accordance with paragraph (3) and (5) of this rule, to implement any activity that is not authorized

by a General Permit. All General Permits in effect as of the date of this Rule shall continue in effect, and are not revoked by these Rules.[1]

(b) The application to the Commissioner for certification of activities which require §404 permits from the United States Army Corps of Engineers (Corps) shall be the application filed with the Army Corps of Engineers. The Joint Public Notice which shall be issued by the Corps, describes the activity and notifies the general public of the application for the §404 permit and state certification and of the public's right to submit comments and requests for public hearing. If further information is required for project evaluation, the Commissioner may request it from either the applicant or the Corps.

(2) General permits.

The Commissioner may use General Permits to authorize alterations to state waters for specific categories of activities that are substantially similar in nature within the state or other specified geographical areas. When the Commissioner determines that a category or activity is suitable for coverage by a General Permit, or that substantive modification of existing General Permits is consistent with §69-3-108 of the Tennessee Water Quality Control Act of 1977, the Commissioner will provide notice of and conduct a minimum of one (1) public hearing. The public notice will contain the relevant information, as set forth in part (4)(c). TDEC will distribute the public notice to interested persons who have requested TDEC notify them of ARAP applications and by posting on the TDEC website. Interested persons may submit written comments on the General Permit within thirty (30) days of the public notice or such greater period as the Commissioner allows. All written comments submitted shall be retained and considered in the final determination to issue a General Permit.

(3) §401 Water Quality Certification.

(a) General. Any person who plans to engage in any of the activities outlined in §404 of the Federal Clean Water Act must obtain a federal permit as well as either a state permit or a state water quality certification under §401 of the Clean Water Act to lawfully engage in such activity in the State of Tennessee. Section 401 of the Federal Clean Water Act requires the Commissioner to certify that the issuance of the federal §404 permit meets the requirements of sections of the Federal Clean Water Act and the Water Quality Control Act. Persons must make application for the planned activity with the Army Corps of Engineers for an individual §404 permit or make use of a Corps of Engineers' nationwide permit.

(b) An individual §404 permit. Where the activity requires an individual §404 permit, the application filed with the Army Corps of Engineers will serve as the application for either the state permit or the state §401 certification. The applicant must file the completed federal application with TDEC for the Commissioner to process and evaluate. The Commissioner will review a completed application and make a determination whether to issue a §401 Water Quality Certification. The application must describe the proposed activity and include all the necessary technical information for the Commissioner to make a determination, including an evaluation of practicable alternatives. The practicable alternatives analysis required by this part shall be satisfied by the applicants' submittal to the Division of a practicable alternatives evaluation for the proposed activity which has been submitted to the Army Corps of Engineers.

[1] The following activities were authorized by a General Permit on the date these rules were promulgated: Bank Stabilization, Gravel Dredging, Launching Ramps, Road Crossings, Alteration of Wet Weather Conveyance, Stream Restoration and Habitat Enhancement, Minor Wetlands, Bridge Scour Repair, Emergency Road Repair, Utility Line Crossings, Surveying and Geotechnical Exploration, Minor Dredging, Alteration and Restoration of Intermittent Streams for Mining, Maintenance Activities, Relocation of Intermittent Streams, Wetlands Restoration and Enhancement, and Impoundment of Intermittent Streams.

(Rule 1200-4-7-.04, continued)

(c) A nationwide permit. Where the activity can be authorized by a Corps of Engineers nationwide permit, the §401 certification can be obtained through the use of a state general permit, if applicable, or an individual permit pursuant to paragraph (5) of this rule. If the Commissioner issues a §401 Certification, the §401 Certification is the state permit.

(4) Public Notice and Participation.

(a) An ARAP Individual Permit or a §401 Certification requires the issuance of Public Notice seeking public participation and comment on the planned activity. However, Public Notice is not required for an activity authorized by General Permit since Public Notice is provided pursuant to part (2) of this part. Each completed application shall be subject to the public notice and participation requirements of Part (b) of this part with the following exceptions:

1. §401 Certification. The Department's procedure for issuing public notice for certification of an application for a federal license or permit pursuant to §401 of the Clean Water Act may be either a public notice issued jointly with the Corps, or a public notice issued by the Department. Such notice will describe the activity, advise the public of the scope of certification, their rights to comment on the proposed activity and to request a public hearing. The notice will also inform the public to whom they should send their requests and comments.

2. Minimal impact activities. For activities that are projected to have only minimal impacts to state waters, which can be readily addressed, the Commissioner may utilize a twenty (20) day public notice period.

3. When the Commissioner determines that a proposed permit modification will not materially change water quality aspects of the project, or will result in an improvement of water quality, as compared to the originally permitted activity, a permit may be modified without public notice.

4. Where the Commissioner determines an emergency situation exists, a permit for remedial action may be issued without prior public notice and participation. The emergency permit shall be advertised by public notice, however, no later than twenty (20) days after issuance. This permit shall be subject to all other provisions of Part (b) of this Rule. The remedial actions allowed shall be limited to those necessary to remedy the emergency.

(b) Upon receipt of a completed ARAP application, the Commissioner will review and evaluate the proposed activity or project to make a determination whether to issue an Individual Permit, as described in (5) of this Part. In order to inform interested and potentially interested persons of the proposed activity, a Public Notice seeking public participation and comment on the activity will be given.

(c) The Public Notice will include the following information:

1. Name, address, and telephone number of the applicant;

2. Name and address of TDEC contact person;

3. A brief description of the proposed activity;

4. A brief description of the scope of the proposed activity;

5. The location of the state waters impacted by the proposed activity;

6. A sketch or detailed description of the location of the proposed activity and the subject waters of the state;

7. The purpose of the proposed activity;

8. The watershed of the subject waters;

9. A description of the conditions of the subject waters and the watershed, (e.g., physical conditions of the waters, quality of the waters such as size, flow, substrate, channel, etc.);

10. The procedure to submit comments on the proposed activity;

11. The procedure for requesting a public hearing; and

12. A brief description of the procedure for the Commissioner to make a final determination to issue a permit.

(d) The approved Public Notice shall be distributed to interested persons and shall be circulated within the geographical area of the proposed activity as follows:

1. TDEC will distribute the approved Public Notice to interested persons who have requested TDEC notify them of ARAP applications and by posting on the TDEC website.

2. The Applicant shall distribute the approved Public Notice to the neighboring landowners by publishing in a local newspaper of general circulation and by posting a sign within view of a public road in the vicinity of the proposed project site as specified by the Division. The sign shall contain those provisions as specified by the Division. The sign shall be of such size that is legible from the public road. Also, the sign shall be maintained for at least thirty (30) days following distribution of the approved Public Notice.

3. The applicant shall provide certification to the Division of compliance with item 2.

(e) A copy of the public notice shall be sent to any person who specifically requests one. Interested persons may submit written comments on the proposed activity within thirty (30) days of public notice or such greater period as the Commissioner allows. All written comments submitted shall be retained and considered in the final determination to issue a permit.

(f) Interested persons, including the applicant, may request, in writing, that the Commissioner hold a public hearing on any application. Said request from interested persons must be filed no later than the end of the period allowed for public comment, and must indicate the interest of the party filing it, must concisely state the water quality issues being raised, and the reasons why a hearing is warranted. If there are water quality issues and significant public interest in having a hearing, the Commissioner shall hold one in the geographical area of the proposed activity. No less than thirty (30) days in advance of the hearing, public notice of it shall be circulated at least as widely as was notice of the application. The Commissioner will distribute notice of the public hearing as set forth in (d)(1) above, and by publishing in a local newspaper. The notice shall cite the date, time and place of the public hearing, a statement of the issues raised by the person requesting the hearing, and the purpose of the public hearing.

(Rule 1200-4-7-.04, continued)

(5) Individual Permits.

(a) Persons who plan to engage in any activity that requires an Aquatic Resource Alteration Permit, which is not governed by a General Permit or a §401 Water Quality Certification, must submit an application to the Commissioner for review and approval prior to implementing the planned activity. The Commissioner will review a completed application and make a determination whether to issue an Individual Permit. The application must describe the proposed activity and include all the necessary technical information for the Commissioner to make a determination. The applicant shall assess the practicable alternatives for a planned activity. If the activity does not avoid impacts to state waters, the individual must comply with Section 7 of this Part. However, if the nature of the affected waters is such that mitigation is not reasonably likely to result in no net loss of water resource values, and if there is a practicable alternative to the activity, which through avoidance or minimization of impacts would result in no net loss, then such alternative shall be selected.

(b) An applicant shall describe the proposed project including the use of technical terms in the definition section of this part where relevant. The sketch or plans and specifications submitted with the application shall describe the method for implementation of the planned activity. Where the proposed activity would result in an appreciable permanent loss of resource value, the applicant must propose adequate mitigation actions so that there is no overall net loss of state water resource values. The applicant shall set forth in the application a brief summary of the practicable alternatives considered to implement the proposed activity.

(c) An Individual Permit is required for water withdrawals, which will or will likely result in alteration of the properties of the source stream.

1. Persons proposing to withdraw water from waters of the state in a manner which will or will likely result in an alteration of the properties of the source stream, shall file an application with the Department which includes the following minimum information:

(i) proposed withdrawal rates and volumes;

(ii) proposed withdrawal schedule; and

(iii) flow data of the source stream (if free flowing).

2. Where a permit for water withdrawal is required, the Commissioner shall establish permit conditions which are protective of the source stream's resource value. These conditions may include flow levels below which no withdrawal may occur. The Commissioner may also establish a maximum withdrawal rate in order to maintain the natural flow fluctuation characteristics of the source stream.

(6) Permit Evaluation Criteria.

(a) Some activities may not be entitled to a permit. When a permit is granted, it shall require compliance with all provisions of the Act, the regulations adopted pursuant to the Act, and any special terms or conditions the Commissioner determines are necessary to fulfill the purposes or enforce the provisions of the Act.

(b) A permit may be modified, suspended, or revoked for cause by the Commissioner upon such notice to the permittee as required by law. Permits for activities that have been completed are not subject to modification. If a modification results in a less restrictive permit, then public notice and opportunity for hearing must be given prior to modification. Cause shall include, but not be limited to the following:

1. violation of any terms or conditions of the permit;

2. obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;

3. causing a condition of pollution;

4. violation(s) of the Act or other environmental statutes;

5. a change in the Act or regulations that substantively impacts the content of the permit;

6. a change in the Federal Clean Water Act that substantively impacts the content of the permit; and

7. a significant change of the physical condition(s) of the site or the waters.

(c) The Act requires that no activity be authorized by the Commissioner unless any lost resource value associated with the proposed impact is offset by mitigation sufficient to result in no overall net loss of resource value. In a situation in which an applicant proposes mitigation that would not result in no overall net loss, the Commissioner shall not issue the permit unless the applicant redesigns the project to avoid impacts, minimize them, or provide mitigation as provided in paragraph (7) so that the redesigned project would result in no net loss of resource value. In making a decision on a permit application, the Commissioner shall determine the lost resource value associated with a proposed impact and the resource value of any proposed mitigation and shall consider the following factors:

1. direct loss of stream length, waters, or wetland area due to the proposed activity;

2. direct loss of in-stream, waters, or wetlands habitat due to the proposed activity;

3. impairment of stream channel stability due to the proposed activity;

4. diminishment in species composition in any stream, wetland, or state waters due to the proposed activity;

5. direct loss of stream canopy due to the proposed activity;

6. whether the proposed activity is reasonably likely to have cumulative or secondary impacts to the water resource;

7. conversion of unique or high quality waters as established in Rule 1200-4-3-.06 to more common systems;

8. hydrologic modifications resulting from the proposed activity;

9. the adequacy and viability of any proposed mitigation including, but not limited to, quantity, quality, likelihood of long term protection, and the inclusion of upland buffers;

10. quality of stream or wetland proposed to be impacted;

11. whether the state waters is listed on the §303(d) list; whether the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters, or waters identified as high quality waters as defined in Rule 1200-4-3-.06, known as Tier II waters; whether the activity is located in a waterway which has been identified by the

Department as having contaminated sediments; and whether the activity will adversely affect species formally listed in State and Federal lists of threatened or endangered species; and

12. any other factors relevant under the Act.

(d) All permits which require mitigation of impacts shall contain conditions requiring that the mitigation is performed properly, performed in a timely manner and is adequately maintained.

(7) Mitigation.

(a) Mitigation of state waters other than wetlands.

If an applicant proposes an activity that would result in an appreciable permanent loss of resource value of a state water, the applicant must provide mitigation which results in no overall net loss of resource values. The applicant shall provide the Commissioner with a time schedule for completion of all mitigation measures for approval. Further, for any mitigation involving the relocation or re-creation of a stream segment, to the extent practicable, the applicant shall complete the mitigation before any impact occurs to the existing state waters. Mitigation measures include, but are not limited to:

1. Restoration of degraded stream reaches and/or riparian zones;

2. New (relocated) stream channels;

3. Removal of pollutants from and hydrologic buffering of storm water runoff; and

4. Any other measures which have a reasonable likelihood of increasing the resource value of a state water.

The Commissioner will assess the proposed mitigation to assure there is no overall net loss of resource value. The mitigation measures or actions should be prioritized in the following order: restoration, enhancement, re-creation, and protection.

(b) Mitigation of Wetlands.

1. If an applicant proposes an activity that would result in an appreciable permanent loss of resource value of wetlands, the applicant must provide mitigation which results in no overall net loss of resource value. The applicant shall provide the Commissioner with a time schedule for completion of all mitigation measures for approval. Further, for any mitigation involving the enhancement or preservation of existing wetlands, to the extent practicable, the applicant shall complete the mitigation before any impact occurs to the existing state waters. For any mitigation involving restoration or creation of a wetland, to the extent practicable, the mitigation shall occur either before or simultaneously with impacts to the existing state waters. Mitigation for impacts to wetlands are prioritized as follows:

(i) Restoration of a previously degraded or impacted wetland (with emphasis on prior converted areas) on-site or in the immediate project area;

(ii) Restoration, including mitigation banking, off-site but within the eight digit United States Geological Survey hydrological unit in which the project is located;

(Rule 1200-4-7-.04, continued)

(iii) Restoration, including mitigation banking, outside of the eight digit United States Geological Survey hydrological unit in which the project is located;

(iv) Creation of wetlands on-site or in the immediate project area;

(v) Creation of wetlands off-site;

(vi) Enhancement of existing wetlands;

(vii) Preservation of existing wetlands; or

(viii) A combination of any of the above activities.

2. The ratio of acres required for wetland mitigation should not be less than 2:1 for restoration activities; 4:1 for creation and enhancement; and 10:1 for preservation. Alternatively, the applicant may propose and utilize, subject to the Division's approval, best professional judgment ratios. The best professional judgment ratios shall be based on the resource value and functions of the affected wetland, resource value of the mitigation, and the likelihood of success of the mitigation.

3. All wetland mitigation projects shall include a monitoring and reporting program to document timely achievement of a successful mitigation wetland and remedial actions to correct any deficiency.

(8) Duration and Re-issuance of Permits.

(a) Each permit issued shall have a fixed term not to exceed five (5) years.

(b) Re-issuance of permits is not required for one-time alterations such as construction, as long as the alterations are completed within the time limit established by permit.

(c) For on-going alterations, such as water withdrawals, any permittee who wishes to continue the permitted activity after the expiration date of the permit must make application at least ninety (90) days prior to its expiration date.

(d) The Commissioner shall follow the procedures for public notice and participation detailed in paragraph (4), above, regarding each application for re-issuance of a permit.

(9) Review of Permit Denials, Suspensions, Revocations, Terms and Conditions.

Permittees and applicants for permits who disagree with the denial, suspension or revocation of a permit or the terms and conditions of a permit are entitled to review of the Commissioner's decision by the Water Quality Control Board pursuant to §69-3-105. Any action taken by the Commissioner regarding a permit remains in effect unless and until an order of the Water Quality Control Board or a reviewing court becomes final.

Authority: *T.C.A. §69-3-105(b) and 69-3-108.* ***Administrative History:*** *Original rule filed February 26, 1987; effective April 12, 1987. Amendment filed October 8, 1991; effective November 22, 1991. Amendment filed August 25, 2000; effective November 8, 2000.*

1200-4-7-.05 through 1200-4-7-.11 REPEALED

Authority: *T.C.A. §69-3-105(b) and 69-3-108.* ***Administrative History:*** *Original rule filed February 26, 1987; effective April 12, 1987. Amendment filed October 8, 1991; effective November 22, 1991. Repeal filed August 25, 2000; effective November 8, 2000.*

GENERAL PERMIT FOR EMERGENCY ROAD REPAIR

This general permit applies to stream alterations necessary to the repair of a public roadway or highway in the case of imminent threat to the public safety. No written permit or advanced authorization is required when a chief administrative officer of a public highway or transportation department repairs or causes the repair of highways or roads in emergency situations where immediate repairs are necessary to protect human safety and welfare.

Notification

1) The chief administrative officer of the public highway or transportation department shall notify the Division by telephone as soon as practicable that an emergency has arisen and of intentions to make repairs in response to the emergency.

2) Within ten (10) days of the completion of the emergency repair work the chief administrative officer shall notify the Division in writing of the action taken and the nature of the emergency necessitating such immediate repair.

General Terms and Conditions

1) The extent of stream alteration associated with the road repair undertaken pursuant to this section shall not exceed four hundred feet (400').

2) Soil materials must be prevented from entering waters of the state. Erosion and sedimentation control measures to protect water quality must be maintained throughout the construction period. Erosion and sedimentation controls shall include, but are not limited to straw or hay bales and/or silt fence, brush barriers, berms, sediment ponds and other proven devices. Hay bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along stream banks in cleared areas to prevent sedimentation to streams. They must be installed on the contour, entrenched and staked, and extend the width of the area to be cleared. Erosion and sedimentation controls must be repaired, if necessary, after rainfall.

3) Instream sedimentation control devices are not approved as primary treatment devices. They may be used only as backup or fail-safe protection. Separate erosion and sedimentation controls and sediment treatment devices must be utilized.

4) Excavation and fill activities shall be separated from flowing waters. All surface water flowing towards excavation or fill work shall be diverted through utilization of cofferdams, berms, temporary channels, or pipes. Temporary diversion channels must be protected by non-erodible material and lined to the expected high water level. Cofferdams must be constructed of sandbags, clean rock, steel sheeting or other non-erodible materials. Clean rock is rock of various type and size, depending upon application, which contains no fines, soils, or other wastes or contaminants.

5) Slurry water pumped from work areas and excavations must be held in settling basins or treated by filtration prior to its discharge into surface waters. Water must be held in settling basins until at least as clear as the receiving waters. Settling basins shall not be located closer than twenty (20) feet from the top bank of a stream. Settling basins and traps shall be properly designed according to the size of the drainage areas or volume of water to be treated.

6) Check dams shall be utilized where runoff is concentrated. Clean rock, log, sandbag, or straw bale check dams shall be properly constructed to detain runoff and trap sediment. However, no such measures shall be used in streams. Clean rock is rock of various type and size, depending upon application, which contains no fines, soils, or other wastes or contaminants.

7) Clearing, grubbing and other disturbance to riparian vegetation shall be limited to the minimum necessary to accomplish emergency repairs and equipment operations. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly stabilized as soon as practicable.

8) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

9) Streams shall not be used as transportation routes for heavy equipment. Crossings must be limited to one point and erosion control measures must be utilized where the stream banks are disturbed. Where the streambed is not composed of rock, a pad of clean rock must be used at the crossing point. All temporary fill must be completely removed after the work is completed. Clean rock is rock of various type and size, depending upon application, which contains no fines, soils, or other wastes or contaminants.

10) Emergency repair work shall be limited to that necessary to restore pre-emergency conditions. Channel enlargements or realignments are not authorized under this section, other than to restore preemergency conditions.

11) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR LAUNCHING RAMPS

Construction of boat launching ramps is hereby permitted provided the activity is done in accordance with the terms and conditions below.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) where the proposed activity will adversely affect wetlands;

(b) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;

(c) when a portion of the proposed activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(d) when the project will adversely affect a species formally listed on State or Federal lists of threatened, or endangered species; or (e) when an individual permit is required. Projects not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

1) Where construction of a launching ramp is located within water resource development project lands and waters, including flowage easement, managed by the Tennessee Valley Authority or the U. S. Army Corps of Engineers, notification to the Division is not required. However, prior to commencement of construction, the applicant must have received any necessary authorizations pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*, §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*.

2) Where construction of a launching ramp is not located within water resource development project lands and waters, including flowage easement, managed by the Tennessee Valley Authority or the U.S. Army Corps of Engineers, persons proposing to construct a launching ramp in waters of the State shall notify the Division by submission of an application which includes the following minimum information:

   (a) a map showing the exact location of the proposed construction site; and
   (b) a single copy of construction plans which includes specifications for proposed stream channel alterations and pollution control methods or structures.

   Construction shall not commence until the Division issues written notification that the proposal may proceed in accordance with the terms of this general permit or issues an individual permit.

General Terms and Conditions

1) The total width, including base fill material, may not exceed 20 feet for the proposed ramp for projects not located within water resource development project lands and waters, including flowage easement, managed by the Tennessee Valley Authority or the U. S. Army Corps of Engineers.

2) The ramp shall be constructed in the dry to the maximum extent practicable during winter drawdown periods of lakes/reservoirs or during low flow periods of free flowing streams. If wet construction is necessary, cofferdams shall be utilized.

3) The excavation and fill activities associated with the ramp construction shall be kept to a minimum and all excess material shall be hauled to an upland site and properly stabilized to prevent reentry to the waterway.

4) Clearing, grubbing and other disturbance to riparian vegetation shall be limited to the minimum necessary for slope construction and equipment operations. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly stabilized as soon as practicable.

5) The use of the ramp must not interfere with the public's right to free navigation on all navigable waters of the United States.

6) Ramps constructed on fill shall have the side slopes stabilized with riprap.

7) Material may not be placed in such location or manner so as to impair surface water flow into or out of any wetland area.

8) The material to be discharged shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris, organic materials, etc.

9) Soil materials must be prevented from entering waters of the state. Erosion and sedimentation control measures to protect water quality must be maintained throughout the construction period. Erosion and sedimentation controls shall include, but are not limited to straw or hay bales and/or silt fence, brush barriers, berms, sediment ponds and other proven devices. Hay bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along stream banks in cleared areas to prevent sedimentation to streams. They must be installed on the contour, entrenched and staked, and extend the width of the area to be cleared. Erosion and sedimentation controls must be repaired, if necessary, after rainfall.

10) Instream sedimentation control devices are not approved as primary treatment devices. They may be used only as backup or fail-safe protection. Separate erosion and sedimentation controls and sediment treatment devices must be utilized.

11) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

12) Upon achievement of final grade, all disturbed areas must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

13) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR ROAD CROSSINGS

Construction of road crossings of waters where the total length of stream encapsulation is 200 linear feet or less is hereby permitted provided the activity is done in accordance with the terms and conditions below.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) where the proposed activity will adversely affect wetlands;

(b) when the total length of stream encapsulation is more than 200 feet;

(c) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;

(d) when a portion of the proposed activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(e) when the project will adversely affect a species formally listed on State or Federal lists of threatened, or endangered species; or

(f) when an individual permit is required.

Projects not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

1) Where the total width of fill or disturbance to the stream channel for construction of the road crossing is less than 25 feet, notification to the Division is required prior to commencing construction in accordance with this general permit. Work may commence without written authorization from the Division. However it is the applicant's responsibility to assure that all of the terms and conditions of this general permit are met.

2) Persons proposing to construct a minor road crossing in waters of State where the total width of fill or disturbance to the stream channel is greater than 25 feet shall notify the Division by submission of an application which includes the following minimum information:

    (a) a map showing the exact location of the proposed construction site; and

    (b) a single copy of construction plans which includes specifications for proposed stream channel alterations and pollution control methods or structures.

    Stream alteration activities shall not commence until the Division issues written notification that the proposal may proceed in accordance with the terms of this general permit or issues an individual permit.

General Terms and Conditions

1) Only clean rock may be placed directly into waters. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants. Other

fill materials to be discharged below ordinary high water must be free of fines, sediment, soil, pollutants, contaminants, toxic materials, trash, or other waste materials.

2) The width of the fill associated with the crossing shall be limited to the minimum necessary for the actual crossing.
3) Excavation and fill activities shall be separated from flowing waters. All surface water flowing toward the excavation or fill work shall be diverted through utilization of cofferdams, berms, or temporary channels. Temporary diversion channels must be protected by non-erodible material and lined to the expected high water level. Cofferdams must be constructed of sandbags, clean rock, steel sheeting or other non-erodible material. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants.

4) The crossing shall be culverted, bridged or otherwise designed to prevent the impoundment of normal or base flows. Base flow is that usual or normal flow of the stream that is supplied primarily by groundwater from springs and seeps, but not affected by rapid runoff during and after rainfall.

5) The crossing shall be designed and constructed so as not to disrupt the movement of aquatic life. Where practicable, the bottom of culverts should be constructed below the stream bed level, with natural substrate placed over the culvert bottom following construction.

6) Soil materials must be prevented from entering waters of the state. Erosion and sedimentation control measures to protect water quality must be maintained throughout the construction period. Erosion and sedimentation controls shall include, but are not limited to straw or hay bales and/or silt fence, brush barriers, berms, sediment ponds and other proven devices. Hay bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along stream banks in cleared areas to prevent sedimentation to streams. They must be installed on the contour, entrenched and staked, and extend the width of the area to be cleared. Erosion and sedimentation controls must be repaired, if necessary, after rainfall.

7) Instream sedimentation control devices are not approved as primary treatment devices. They may be used only as backup or fail-safe protection. Separate erosion and sedimentation controls and sediment treatment devices must be utilized.

8) Slurry water pumped from work areas and excavations must be held in settling basins or treated by filtration prior to its discharge into surface waters. Water must be held in settling basins until at least as clear as the receiving waters. Settling basins shall not be located closer than 20 feet from the top bank of a stream. Settling basins and traps shall be properly designed according to the size of the drainage areas or volume of water to be treated.

9) Check dams shall be utilized where runoff is concentrated. Clean rock, log, sandbag, or straw bale check dams shall be properly constructed to detain runoff and trap sediment. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants.

10) Clearing, grubbing and other disturbance to riparian vegetation shall be limited to the minimum necessary for slope construction and equipment operations. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly stabilized as soon as practicable.

11) Streams shall not be used as transportation routes for heavy equipment. Crossings must be limited to one point and erosion control measures must be utilized where the stream banks are disturbed. Where the streambed is not composed of rock, a pad of clean rock must be used at the crossing point. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants. All temporary fill must be completely removed after the work is completed.

12) Construction debris must be kept from entering the stream channel.

13) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

14) Upon achievement of final grade, all disturbed areas must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

15) The project should be consistent with all applicable local floodplain regulations. The applicant should contact local government officials to determine what these regulations are at a particular location.

16) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR MINOR WETLANDS ALTERATIONS

This general permit authorizes alteration of up to one acre of isolated wetlands. Alterations are addressed in two size categories. Under the stated terms and conditions, up to one fourth acre of qualifying wetlands may be altered without compensatory mitigation and up to one acre of qualifying wetlands may be altered with approved compensatory mitigation. Isolated wetlands are wetlands that are either not hydrologically connected to other waters of the state or are connected only by wet weather conveyance.

1) Fill or other alteration of up to one-fourth acre of isolated wetlands is allowed by this general permit without compensatory mitigation, provided the activity is done in accordance with the applicable terms and conditions of this general permit.

2) Fill or alteration of up to one acre of isolated wetlands is authorized by this general permit provided the activity is done in accordance with the applicable terms and conditions, and provided a plan for compensatory mitigation to offset unavoidable adverse wetlands impacts is submitted by the applicant, approved by the Division and implemented as approved.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) where a portion of the activity is located in waters which have been identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(b) when the project will adversely affect a species formally listed on State or Federal lists of threatened, or endangered species;

(c) when the wetland represents a high quality ecological resource as compared to others within the ecoregion;

(d) when all available and practicable measures have not been employed to avoid and minimize adverse impacts on wetlands and other waters of the state; and

(e) when an individual permit is required.

Projects not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Persons proposing to alter wetlands with authorization by this general permit shall notify the Division by submission of an application, which includes, at a minimum, the following information:

(a) a map showing the exact location of the proposed activity;

(b) a description of the wetland to be altered including boundaries, vegetation and hydrologic characteristics; and

(c) a single copy of construction plans which includes specifications for proposed wetlands alterations and proposed pollution control methods or structures.

Construction shall not commence until the Division issues written notification that the proposal may proceed in accordance with the terms of this general permit, or issues an individual permit.

General Terms and Conditions

1) Wetland alterations authorized by this general permit must be part of a single and complete project. This general permit can not be used in an incremental or piecemeal means to alter larger areas of wetlands.

2) The alteration shall not adversely affect the functions and classified use support of adjacent wetlands and other waters of the state.

3) The excavation and fill activities associated with the wetlands alteration shall be kept to a minimum and all excess material shall be hauled to an upland site and properly stabilized to prevent reentry to waters of the State.

4) Clearing, grubbing and other disturbance to areas in or immediately adjacent to waters of the state shall be limited to the minimum necessary to accomplish the proposed activity. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly stabilized as soon as possible.

5) Any material to be discharged into wetlands or other waters of the state shall be free of contaminants including toxic pollutants and hazardous substances.

6) Soil materials must be prevented from entering waters of the state. Erosion and sedimentation control measures to protect water quality must be maintained throughout the construction period. Erosion and sedimentation controls shall include, but are not limited to straw or hay bales and/or silt fence, brush barriers, berms, sediment ponds and other proven devices. Hay bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along stream banks in cleared areas to prevent sedimentation to streams. They must be installed on the contour, entrenched and staked, and extend the width of the area to be cleared. Erosion and sedimentation controls must be repaired, if necessary, after rainfall.

7) Instream sedimentation control devices are not approved as primary treatment devices. They may be used only as backup or fail-safe protection. Separate erosion and sedimentation controls and sediment treatment devices must be utilized.

8) Upon achievement of final grade, all disturbed areas must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

9) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

10) Prior authorization must be obtained when necessary by the applicant pursuant to applicable provisions of §404 of the *Clean Water Act* and §26a of *The Tennessee Valley Authority Act.*

11) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical or archeological features or sites is prohibited.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR BRIDGE SCOUR REPAIR ACTIVITIES

Bridge scour repair activities are hereby permitted provided the activity is done in accordance with the terms and conditions below.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) where wetlands will be adversely affected by the proposed work;

(b) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(c) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;

(d) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or

(e) when an individual permit is required.

Bank stabilization projects not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Persons proposing to conduct bridge scour repair activities in waters of the State shall notify the Division by submission of an application which includes the following minimum information:

(a) a cover letter explaining the scope of the project;

(b) an U.S.G.S. topographic map showing the exact location of the proposed construction site; and

(c) a single copy of construction plans which include specifications for stream channel alterations and detailed pollution control methods or structures.

Scour repair activities shall not commence until the Division issues written notification that the proposal may proceed in accordance with the terms of this general permit or issues an individual permit.

General Terms and Conditions

1) Temporary erosion control measures must be in place before any construction operations begin, maintained throughout the construction period and repaired, as necessary, until all erodible soil at the site is stabilized. Effective erosion control must be installed along the base of all fills and cuts, on the downhill side of stockpiled soil, and along stream banks in cleared areas to prevent erosion into streams.

2) Placement of material for scour protection or repair shall be limited to 50 linear feet either side of the outside edge of the bridge. Material shall be limited to clean rock, riprap, rock-filled wire baskets or mattresses, or concrete contained by formwork for footing repair. Stabilization materials shall not include gravel, sand, sediments, chert, soil, or other unconsolidated materials. Materials to be discharged shall be free of pollutants, contaminants, toxic materials, hazardous substances, waste metal, construction debris and trash, and other wastes as defined by T.C.A. 69-3-103(18).

3) Scour protection shall be designed and installed to prevent impairment of flow.

4) Scour protection shall not disrupt the movement of fish and aquatic life.

5) Bank shaping shall be limited to that necessary for placement of scour repair materials.

6) Where practicable, excavation activities shall be accomplished in the dry. All surface water flowing towards the excavation shall be diverted through utilization of cofferdams and/or berms. Cofferdams and berms must be constructed of sandbags, clean rock, steel sheeting, or other non-erodible material. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants.

7) No excavated material may be placed in the existing stream channels. Excavated material must be removed to a location that will prevent its reentry into waters of the State.

8) Water from work areas and excavations must be held in settling basins or treated by filtration prior to its discharge into surface waters. Water must be held in settling basins until at least as clear as the waters upstream of the construction site. Settling basins shall not be located closer than 20 feet from the water line. Settling basins and traps shall be properly designed according to the size of the drainage areas or volume of water to be treated.

9) Clearing, grubbing and other disturbance to riparian vegetation shall be limited to the minimum necessary for placement of the scour protection materials. Unnecessary vegetation removal is prohibited. All disturbed areas shall be riprapped, sodded, or seeded and mulched within 30 days of disturbance. Seeding shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

10) Streams shall not be used as transportation routes for heavy equipment. Crossings shall be limited to one point and erosion control measures must be utilized where stream banks are disturbed. Crossings shall be constructed of clean rock and shall be sufficiently designed to convey flow without any impairment. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants.

11) Construction debris shall be kept from entering the stream channel and shall be disposed of in a manner that shall not impact any waters of the State.

12) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

13) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR UTILITY LINE CROSSINGS OF STREAMS

Construction, maintenance, repair, rehabilitation or replacement of utility line crossings of streams is hereby permitted without notification requirement, provided the activity is done in accordance with the terms and conditions of this general permit. For the purpose of this general permit, bodies of water defined as navigable pursuant to *Section 10 of the Rivers and Harbors Act of 1899* are subject to different restrictions than all other waters regarding the specific construction methodologies to be employed. This general permit cannot be used to authorize multiple crossings of the same stream by gravity sewers.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) where wetlands will be affected by the proposed work, except as provided for in item three of the special terms and conditions below;

(b) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(c) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;

(d) where the proposed project involves multiple crossings of the same stream by gravity sewers;

(e) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or

(f) when an individual permit is required.

Utility line crossing projects not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Notification to the Division is required prior to commencing construction for utility line crossings and maintenance conducted in accordance with this general permit. Work may commence without written authorization from the Division. However it is the applicant's responsibility to assure that all of the terms and conditions of this general permit are met.

Special Terms and Conditions

1) Where the activity is located in waters which are not navigable pursuant to § 10, excavation and fill activities shall be separated from flowing waters. All surface water flowing toward the excavation or fill work shall be diverted, piped or flumed to the downstream side of the work. This can be accomplished through utilization of cofferdams or constructed berms in conjunction with a pipe or flume. Cofferdams must be constructed of sandbags, clean rock, steel sheeting or other non-erodible material. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants.

2) Where the activity is located in waters defined as navigable pursuant to § 10 of *the Rivers and Harbors Act of 1899,* excavation and fill work may be accomplished within the water column.

3) Maintenance, repair and rehabilitation of existing facilities in wetlands is authorized under the following special provisions:

(a) the total amount of excavation or fill does not exceed fifty cubic yards;

(b) the wetlands alteration is located within the right of way of the existing facility; and

(c) fill activities for the construction of equipment access roads is not authorized in wetlands.

General Terms and Conditions

1) New utility line crossings shall be located such as to avoid permanent alteration or damage to the integrity of the stream channel. Large trees, steep banks, rock outcroppings, etc. should be avoided.

2) In the case of proposed gravity sewer lines and other utility lines that follow the stream gradient or otherwise parallel the stream channel, the number of crossings shall be minimized. Where cumulative impacts are likely because of numerous crossings, an individual permit may be required.

3) The alignment of new utility line crossings shall intersect the stream channel as close to 90 degrees or as perpendicular as possible, and in no case less than 45 degrees angle from the centerline of the stream.

4) In the case of small streams with a bedrock streambed that must be blasted to form a trench, provision shall be made to prevent the loss of stream flow to fracturing of the bedrock. Where loss of surface flow is likely to occur, an individual permit may be required.

5) Soil materials must be prevented from entering waters of the state. Erosion and sedimentation control measures to protect water quality must be maintained throughout the construction period. Erosion and sedimentation controls shall include, but are not limited to straw or hay bales and/or silt fence, brush barriers, berms, sediment ponds and other proven devices. Hay bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along stream banks in cleared areas to prevent sedimentation to streams. They must be installed on the contour, entrenched and staked, and extend the width of the area to be cleared. Erosion and sedimentation controls must be repaired, if necessary, after rainfall.

6) Instream sedimentation control devices are not approved as primary treatment devices. They may be used only as backup or fail-safe protection. Separate erosion and sedimentation controls and sediment treatment devices must be utilized.

7) Backfill activities must be accomplished in a manner that stabilizes the streambed and banks to prevent erosion. Backfill materials shall consist of suitable materials free of contaminants. All contours must be returned to pre-project conditions. The completed work may not disrupt or impound stream flow.

8) Slurry water pumped from work areas and excavations must be held in settling basins or treated by filtration prior to its discharge into surface waters. Water must be held in settling basins until at least as clear as the receiving waters. Settling basins shall not be located closer than 20 feet from the top bank of a stream. Settling basins and traps shall be properly designed according to the size of the drainage areas or volume of water to be treated.

9) Check dams shall be utilized where runoff is concentrated. Clean rock, log, sandbag, or straw bale check dams shall be properly constructed to detain runoff and trap sediment. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants.

10) Clearing, grubbing and other disturbance to riparian vegetation shall be limited to the minimum necessary for slope construction and equipment operations. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly stabilized as soon as practicable.

11) Streams shall not be used as transportation routes for heavy equipment. Crossings must be limited to one point and erosion control measures must be utilized where the stream banks are disturbed. Where the streambed is not composed of rock, a pad of clean rock must be used at the crossing point. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants. All temporary fill must be completely removed after the work is completed.

12) Construction debris must be kept from entering the stream channel.

13) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

14) Upon achievement of final grade, the disturbed streambank shall be stabilized with riprap or other suitable material. All other disturbed soils must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

15) Upon completion of construction, the stream shall be returned as nearly as possible to its original, natural conditions.

16) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR STREAM RESTORATION AND HABITAT ENHANCEMENT

This general permit applies to the activities associated with the restoration of altered or degraded streams, their banks and riparian lands. Riparian areas are the stream banks and adjacent low lying strip of land that is frequently scoured by high waters. The riparian area may typically correspond with the floodway. Stream in this case includes lakes, rivers, creeks, and other watercourses, but does not include wetlands. Stream restoration includes those activities that serve the purpose of restoring "natural" characteristics such as hydrology and substrates, native vegetation, and habitat functions to altered and degraded stream channels and riparian areas. Stream restoration activities include riparian revegetation, vegetative bank stabilization, and in-stream habitat improvement structures and activities. Authorized structures include, but are not limited to current deflectors, log sill structures, low head dams, bank crib units, rock substrates and boulder clusters. These structures and the activities necessary to their installation are hereby permitted by this general permit, provided the activities are done according to the general terms and conditions below.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) where wetlands will be adversely affected by the proposed work;

(b) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(c) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;

(d) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or

(e) when an individual permit is required.

Stream restoration and habitat enhancement projects not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Persons proposing to perform stream restoration activities in waters of State shall notify the Division by submission of an application, which includes the following minimum information:

(a) a map showing the exact location of the proposed construction site; and

(b) a single copy of construction plans which includes specifications for proposed stream channel alterations and pollution control methods or structures.

Stream restoration activities shall not commence until the Division issues written notification that the proposal may proceed in accordance with the terms of this general permit or issues an individual permit.

General Terms and Conditions

1) Excavation, dredging, bank reshaping or grading shall be limited to the minimum necessary to install authorized structures or prepare the bank for revegetation. These activities are prohibited from taking place directly in the water column, except where necessary to key into the stream bank in-stream structures such as log-sills, wing deflectors, k-dams and other similar structures. In-stream excavation must be minimized and should not result in more than an insignificant

increase in turbidity or suspended solids and under no circumstance result in harm or detriment to fish and aquatic life or other classified uses of waters of the state.

2) All materials to be discharged or placed below ordinary high water must be free of pollutants, contaminants, toxic materials, trash, creosote treated timbers, or other wastes as defined by T.C.A. 69- 3-103(18).

3) Equipment that will cause the least damage to the environment shall be selected for performing stream restoration. First consideration shall be given to the use of hand operated equipment such as shovels, axes, chain saws, and winches. Bank shaping may be accomplished by small tractors, backhoes, small trackhoes, and small bulldozers. However, no work by larger equipment is authorized.

4) Where practicable, access to each area shall be made at one point only, limiting disruption of trees and other stream cover to an area less than twenty feet wide.

5) Soil materials must be prevented from entering waters of the state. Erosion and sedimentation control measures to protect water quality must be maintained throughout the construction period. Erosion and sedimentation controls shall include, but are not limited to straw or hay bales and/or silt fence, brush barriers, berms, sediment ponds and other proven devices. Hay bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along stream banks in cleared areas to prevent sedimentation to streams. They must be installed on the contour, entrenched and staked, and extend the width of the area to be cleared. Erosion and sedimentation controls must be repaired, if necessary, after rainfall.

6) Instream sedimentation control devices are not approved as primary treatment devices. They may be used only as backup or fail-safe protection. Separate erosion and sedimentation controls and sediment treatment devices must be utilized.

7) Clearing, grubbing and other disturbance to riparian vegetation shall be limited to the minimum necessary for grading work and equipment operations. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly revegetated as soon as practicable.

8) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

9) Upon achievement of final grade, all disturbed areas must be stabilized and revegetated within 30 days using appropriate native riparian species. Seed to be utilized shall include a combination of native species of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

10) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR THE ALTERATION OF WET WEATHER CONVEYANCES

Wet weather conveyances are defined in Rule 1200-4-3-.04 of the Rules of the Tennessee Department of Environment and Conservation. Wet weather conveyances are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality, the channels of which are above the groundwater table and which do not support fish or aquatic life and are not suitable for drinking water supplies. Rule 1200-4-3-.02(7) requires that waters designated as wet weather conveyances shall be protective of wildlife and humans that may come in contact with them and maintain standards applicable to all downstream waters. No other use classification or water quality criteria apply to these waters.

Notification

Activities which result in the alteration of wet weather conveyances are hereby permitted without notification to the Division provided the general terms and conditions of this general permit are followed.

General Terms and Conditions

1) The activity may not result in the discharge of waste or other substances that may be harmful to humans or wildlife.

2) Soil materials must be prevented from entering waters of the state. Erosion and sedimentation control measures to protect water quality must be maintained throughout the construction period. Erosion and sedimentation controls shall include, but are not limited to straw or hay bales and/or silt fence, brush barriers, berms, sediment ponds and other proven devices. Hay bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along stream banks in cleared areas to prevent sedimentation to streams. They must be installed on the contour, entrenched and staked, and extend the width of the area to be cleared. Erosion and sedimentation controls must be repaired, if necessary, after rainfall.

3) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR RELOCATION OF INTERMITTENT STREAMS

This general permit allows relocation of up to 500 feet of intermittent stream channel. In the case of this general permit, intermittent streams are defined as natural or man made watercourses that cease to flow for sustained periods during a normal rainfall year. Intermittent streams typically cease flow during the later summer through the fall months, although some may exhibit no flow in the channel during wetter months. Length of relocations is measured along the centerline of the channel. Relocation of intermittent streams is hereby permitted provided the activity is done in accordance with the terms and conditions below.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) when a portion of the activity is located in a component of the national wild and scenic river system, a state scenic river, or waters designated as high quality waters such as trout streams or outstanding national resource waters subject to *The Tennessee Antidegradation Statement*, Rule 1200-4-3-.06;

(b) where the activity is likely to adversely affect wetlands;

(c) when the activity is located in a waterway which has been identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(d) when the project will adversely affect a species formally listed on state or federal lists of threatened or endangered species; or

(e) when an individual permit is required.

Notification

Persons proposing to relocate up to 500 linear feet of an intermittent stream channel shall apply for coverage to the Division by submission of an original, signed notification which includes the following minimum information:

(a) a map showing the exact location of the proposed construction site; and

(b) a single copy of construction plans which includes specifications for proposed stream channel alterations and pollution control methods or structures.

Work within the stream channel shall not commence until the Division issues written notification that the proposal may proceed in accordance with the terms of this general permit or issues an individual permit.

General Terms and Conditions

1) The relocation activity may only be commenced where there is no flow in the channel and where sustained flow is not likely to recur during the period of construction. Work may only commence during seasonally dry periods in the case of intermittent streams that exhibit seasonal flow, or regardless of season in the case of channels that flow only periodically.

2) Relocated channels must be constructed to a stable condition which replicates pre-existing conditions or returns the channel to a more natural condition in terms of channel shape, dimensions, and substrate.

3) Provision must be made for the conveyance of water through the watercourse during construction, utilizing the original channel or lined diversion channels, etc., to prevent pollution of the stormwater runoff through the watercourse.

4) Backfill activities must be accomplished in a manner that stabilizes the streambed and banks to prevent erosion. Backfill materials shall consist of suitable materials free of contaminants. The completed work may not disrupt or impound stream flow.

5) Erosion and sediment control measures are required where soil will be disturbed. The control measures must be in place before earthmoving operations begin, maintained throughout the construction period and repaired, if necessary, after rainfall. Control measures such as straw bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along the waterbody in cleared areas to prevent movement of sediments into the waters. They must be installed parallel to the waterbody, entrenched and staked, and extend the width of the area to be cleared.

6) Check dams shall be utilized where runoff is concentrated. Clean rock, log, sandbag, or straw bale check dams shall be properly constructed to detain runoff and trap sediment. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants.

7) Excavated materials, construction debris, and other wastes shall be removed to an upland site and disposed in such a manner as to prevent the materials from entering the watercourse down stream of the work site.

8) All materials to be discharged or placed within the waterway below the ordinary high water level must be free of pollutants, contaminants, toxic materials, trash, creosote treated timbers, or other wastes as defined by T.C.A. 69-3-103(18).

9) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

10) Slurry water pumped from work areas and excavations must be held in settling basins or treated by filtration prior to its discharge into surface waters. Water must be held in settling basins until at least as clear as the receiving waters. Settling basins shall not be located closer than 20 feet from the top bank of a stream. Settling basins and traps shall be properly designed according to the size of the drainage areas or volume of water to be treated.

11) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

12) Prior to commencing work under this general permit any necessary authorization must be obtained by the applicant pursuant to applicable provisions of §404 of the *Clean Water Act* and §26a of *The Tennessee Valley Authority Act*.

13) Upon achievement of final grade, the disturbed streambank shall be stabilized with bioengineering methods, riprap or other suitable material. All other disturbed soils must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR MAINTENANCE ACTIVITIES

This general permit allows the maintenance of existing, previously authorized, currently serviceable, structures or fills such as dams, intake and outfall structures, utilities, culverts, etc. This general permit also authorizes the excavation of accumulated sediments and debris in the vicinity of existing structures such as bridges, culverted road crossings, and intake and outfall structures. Correspondingly, the placement of new or additional riprap to protect the structure is authorized. Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction. Minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to make the repair, rehabilitation, or replacement are permitted. Maintenance activities are hereby permitted by this general permit, provided the activity is done according to the terms and conditions of this general permit.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) where wetlands will be adversely affected by the proposed work;

(b) the structure or fill is to be put to uses differing from its original use or those uses specified in its original permit;

(c) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(d) where the activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;

(e) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or

(f) when an individual permit is required.

Maintenance activities not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

1) Notification to the Division is not required where the work involves excavation of accumulated bedload and unconsolidated sediments from within culverts, and for a distance of one hundred feet up and down stream.

2) Notification to the Division is required of persons planning to conduct maintenance activities other than as specified in item one of this section. Notification shall be in the form of an original, signed document which includes the following minimum information:

    (a) a map showing the exact location of the proposed work; and

    (b) a single copy of construction plans or drawings which includes all dimensions and specifications for the proposed work.

Work shall not commence until the applicant has been notified by the Division that the activity may proceed under the general permit.

General Terms and Conditions

The following general terms and conditions apply to all activities authorized by this general permit.

1) The dredging or excavation of sediment shall be limited to the minimum necessary to restore the waterway in the immediate vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend further than 100 feet in any direction from the structure.

2) The placement of riprap must be the minimum necessary to protect the structure, or to ensure the safety of the structure.

3) All materials to be discharged or placed below ordinary high water must be free of pollutants, contaminants, toxic materials, trash, creosote treated timbers, or other wastes as defined by T.C.A. 69- 3-103(18).

4) Dredged materials shall be removed to an upland site and disposed in such a manner as to prevent reentry to waters of the State.

5) Erosion and sediment control measures are required where soil will be disturbed. The control measures must be in place before earthmoving operations begin, maintained throughout the construction period and repaired, if necessary, after rainfall. Control measures such as straw bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along the waterbody in cleared areas to prevent movement of sediments into the waters. They must be installed parallel to the waterbody, entrenched and staked, and extend the width of the area to be cleared.

6) Slurry water pumped from work areas and excavations must be held in settling basins or treated by filtration prior to its discharge into surface waters. Water must be held in settling basins until at least as clear as the receiving waters. Settling basins shall not be located closer than 20 feet from the top bank of a stream. Settling basins and traps shall be properly designed according to the size of the drainage areas or volume of water to be treated.

7) Clearing, grubbing and other disturbance to riparian vegetation shall be limited to the minimum necessary for grading work and equipment operations. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly stabilized as soon as practicable.

8) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

9) Upon achievement of final grade, all disturbed areas must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

10) Prior authorization must be obtained when necessary by the applicant pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1897*, §404 of the *Clean Water Act* and §26a of *The Tennessee Valley Authority Act.*

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR SAND AND GRAVEL DREDGING

This general permit applies to the excavation of dry gravel bars from streams and rivers for the purpose of gravel or sand recovery. Gravel and sand dredging is hereby permitted provided it is done in accordance with all terms and conditions of this general permit.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) where wetlands will be adversely affected by the proposed work;

(b) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(c) where the activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;

(d) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or

(e) when an individual permit is required.

Sand and gravel dredging projects not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

1) Notification and approval is not required where dredged sand or gravel is to be collected from and used on a private farm or residence, and where any trees growing on the gravel bar are less than two inches in diameter.

2) Notification to the Division is required for persons other than those covered by part one of this section proposing to dredge sand and gravel in waters of the State. Notification shall be in the form of an original, signed document which includes a work plan with the following minimum information:

    (a) a map showing the exact location of the proposed dredging site; and

    (b) a sketch or drawing of the gravel deposit in relation to the stream, including the access point.

Dredging shall not commence until the Division issues written notification that the proposal may proceed in accordance with the terms of this general permit or issues an individual permit.

General terms and conditions

The following general terms and conditions apply to all sand and gravel dredging activities authorized by this general permit.

1) This general permit does not authorize the discharge of any substance into waters of the State, for any purpose, including dredged or fill material.

2) Authorization by this general permit does not relieve the applicant from requirements of other applicable federal, state, and local law.

3) This general permit does not authorize the removal of material from streams for the purpose of flood control or channelization.

4) The operation shall be conducted in the dry. Excavation equipment shall operate outside the stream flow at all times. A berm of at least five feet in width shall be left between the work area and the stream flow, or of such width as necessary to separate the excavation from the water in the stream. Berm is defined here as natural undisturbed material that is left between the dredging area and the stream.

5) Sand, gravel or other material shall not be excavated or removed below the approximate water level of the stream at the time of dredging.

6) Access to the work area shall be made at one point only, limiting disruption of trees and other stream cover to an area less than 20 feet wide.

7) Stream crossings shall be limited to a single right angle crossing directly adjacent to the gravel bar, or the most direct feasible route that minimizes impact to the stream.

8) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

9) Measures shall be taken to prevent erosion and sedimentation. When work is completed in an area, normal physical characteristics of the work area shall be recreated to the extent that machinery can do so without causing additional disturbance. This shall be accomplished by grading the site to smooth contours without disturbing the berm or its bank.

10) Vegetation and debris disturbed during dredging or dredge site preparation shall be removed to an upland location and placed in such a manner as to prevent re-entry into the stream.

11) Dredged material shall not be stored or stockpiled on the gravel bed or in the streambed.

12) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR BANK STABILIZATION ACTIVITIES

This general permit allows the repair and protection of eroded stream banks. Bank stabilization activities typically include grading of the stream bank to the appropriate slope in conjunction with placement of riprap or application of bioengineering techniques. Bioengineering involves the use of cedar tree revetments, rock or log current deflection weirs, live willow post application, log crib structures and other techniques that incorporate primarily materials found in the natural riparian environment. Bio-engineering is the preferred method and is permitted without notification where no work is done instream with mechanized equipment or where the work is done in accordance with an approved bio-engineering plan from the United States Department of Agriculture, Natural Resource Conservation Service. Bank stabilization activities are hereby permitted provided the activity is done in accordance with the terms and conditions below.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) where wetlands will be adversely affected by the proposed work;

(b) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(c) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or

(d) when an individual permit is required.

Bank stabilization projects not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

1) No notification to the Division is required where the length of stream bank to be treated is less than three times the top-of-bank width of the stream channel, not to exceed a total length of fifty feet; and where the total volume of soil, sand or gravel disturbed or re-deposited is less than ten cubic yards. Bank stabilization work conducted in accordance with this provision is limited to one site per 1000 linear feet of stream, and may be done only once without notification.

2) No notification to the Division is required where the work is done and maintained in accordance with a bio-engineering plan developed or approved by the United States Department of Agriculture, Natural Resource Conservation Service, or where recognized bio-engineering techniques are used and no work is done instream with mechanized equipment.

3) Notification to the Division is not required where the activity is located within water resource development project lands and waters, including flowage easement, managed by the Tennessee Valley Authority or the U. S. Army Corps of Engineers. However, prior to commencement of construction, the applicant must have received any necessary authorizations pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*, §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*.

4) Except as provided in item one of this section, notification must be submitted to the Division where the primary bank protection is not conventional bioengineering techniques and the activity is not located within water resource development project lands and waters, including flowage easement, managed by the Tennessee Valley Authority or the U. S. Army Corps of Engineers. Notification shall be in the form of an original, signed document which includes the following minimum information:

(a) a map showing the exact location of the proposed work; and

(b) a single copy of construction plans or drawings which includes all dimensions and specifications for the proposed work.

Work shall not commence until the applicant has been notified that the activity may proceed under the general permit.

General Terms and Conditions

The following general terms and conditions apply to all bank stabilization activities authorized by this general permit.

1) The unnecessary removal of living trees and other riparian vegetation which help comprise the integrity of the stream bank or which help provide canopy or shade to the waters; or, the placement of fill which would otherwise injure or damage stream side vegetation is not authorized by this general permit.

2) Grading, sloping, dredging or reshaping of the stream banks or bed shall be limited to the minimum necessary to accommodate stabilization and armoring materials.

3) The placement of riprap is limited to 300 linear feet of stream bank. Vegetative or bioengineering methods of bank stabilization are not subject to this restriction.

4) Material may not be placed in such location or manner so as to impair surface water flow into or out of any wetland area.

5) The activity may not be conducted in a manner that would permanently disrupt the movement of aquatic life.

6) Materials used in stabilization shall include clean rock, riprap or anchored trees or other non-erodible materials found in the natural environment. **Except for activities covered by item one of the notification section,** stabilization materials shall not include gravel, sand, sediments, chert, soil, or other materials that are likely to erode. Materials used in bank stabilization projects shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris, organic materials, etc.

7) Streams shall not be used as transportation routes for heavy equipment. Crossings must be limited to one point and erosion control measures must be utilized where the stream banks are disturbed. Where the streambed is not composed of rock, a pad of clean rock must be used at the crossing point. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants. All temporary fill must be completely removed after the work is completed.

8) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

9) Vegetation and debris disturbed by activity at the construction site shall be removed from the site to such a location so as to prevent reentry into the waterway.

10) Upon achievement of final grade, all disturbed soil areas must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a

combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

11) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR SURVEYING AND GEOTECHNICAL EXPLORATION

This general permit authorizes scientific surveys and geotechnical exploration in waters of the state. It is intended to allow activities such as core sampling, seismic exploratory operations, soil survey and sampling, and historic resources surveys. This permit also allows the placement and operation of scientific measurement devices such as staff gages, water recording devices, water quality testing and improvement devices and similar structures. Drilling and excavation for test wells for oil and gas exploration is not authorized by this general permit. Surveying and geotechnical exploration is hereby permitted by this general permit, provided the activity is done according to the terms and conditions.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) where wetlands will be adversely affected by the proposed work;

(b) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(c) where the activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;

(d) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species;

(e) where the proposed activity is drilling and excavation for test wells for oil and gas exploration; or

(f) when an individual permit is required.

Surveying and geotechnical exploration activities not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Notification to the Division is not required for surveying and geotechnical exploration activities conducted in accordance with this general permit. However, all of the general terms and conditions below apply.

General Terms and Conditions

1) Prior authorization must be obtained when necessary by the applicant pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1897*, §404 of the *Clean Water Act* and §26a of *The Tennessee Valley Authority Act.*

2) All materials to be discharged or placed below ordinary high water must be free of pollutants, contaminants, toxic materials, trash, creosote treated timbers, or other wastes as defined by T.C.A. 69- 3-103(18).

3) Erosion and sediment control measures are required where soil will be disturbed. The control measures must be in place before earthmoving operations begin, maintained throughout the construction period and repaired, if necessary, after rainfall. Control measures such as straw bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along the waterbody in cleared areas to prevent movement of sediments into the waters. They must be installed parallel to the waterbody, entrenched and staked, and extend the width of the area to be cleared.

4) Slurry water pumped from work areas and excavations must be held in settling basins or treated by filtration prior to its discharge into surface waters. Water must be held in sediment basins until at least as clear as the receiving waters. Settling basins shall not be located closer than 20 feet from the water line. Settling basins and traps shall be properly designed according to the size of the drainage areas or volume of water to be treated.

5) Clearing, grubbing and other disturbance to riparian vegetation shall be limited to the minimum necessary for grading work and equipment operations. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly stabilized as soon as practicable.

6) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

7) Upon achievement of final grade, all disturbed areas must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

8) Surveying or geotechnical exploration activities conducted in navigable waters must be conducted in a manner that does not interfere with navigation.

9) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR MINOR DREDGING

This general permit allows minor dredging and filling activities within reservoirs managed by the Corps of Engineers and the Tennessee Valley Authority. Minor dredging activities typically include, but are not limited to, excavation of the lakebed to establish boat access by both private and commercial marinas and boathouses. Minor filling activities typically include fill for marina and boathouse construction. For the purposes of this general permit minor dredging is defined as projects where the total quantity of material excavated within the water column does not exceed 200 cubic yards, and total excavation or fill below ordinary high water does not exceed 500 cubic yards. Minor dredging and fill activities within water resource development project lands and waters, including flowage easement, managed by the Tennessee Valley Authority or the U. S. Army Corps of Engineers are hereby permitted by this general permit, provided the activity is done according to the terms and conditions of this general permit.

Notification

Notification to the Division is not required for minor dredging and filling activities within reservoirs managed by the Corps of Engineers and the Tennessee Valley Authority conducted in accordance with this general permit. However, all of the general terms and conditions below apply.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) where wetlands will be adversely affected by the proposed work;

(b) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(c) where the activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;

(d) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or

(e) when an individual permit is required.

Minor dredging activities not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

General Terms and Conditions

1) Prior authorization must be obtained by the applicant pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1897*, §404 of the *Clean Water Act* and §26a of *The Tennessee Valley Authority Act.*

2) Excavation or fill within the water column cannot exceed 200 cubic yards of material, and total excavation or fill below ordinary high water cannot exceed 500 cubic yards.

3) All materials to be discharged or placed below ordinary high water must be free of pollutants, contaminants, toxic materials, trash, creosote treated timbers, or other wastes as defined by T.C.A. 69- 3-103(18).

4) Dredged materials shall be removed to an upland site and disposed in such a manner as to prevent reentry to waters of the State.

5) Erosion and sedimentation control measures are required where soil will be disturbed. The control measures must be in place before earthmoving operations begin, maintained throughout the construction period and repaired, if necessary, after rainfall. Control measures such as straw bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along the lake shore in cleared areas to prevent movement of sediments into the waters. They must be installed parallel to the lakeshore, entrenched and staked, and extend the width of the area to be cleared.

6) Slurry water pumped from work areas and excavations must be held in settling basins or treated by filtration prior to its discharge into surface waters. Water must be held in sediment basins until at least as clear as the receiving waters. Sedimentation basins shall not be located on the bank closer than 20 feet from the water line. Sediment basins and traps shall be properly designed according to the size of the drainage areas or volume of water to be treated.

7) Clearing, grubbing and other disturbance to riparian vegetation shall be limited to the minimum necessary for grading work and equipment operations. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly stabilized as soon as practicable.

8) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

9) Upon achievement of final grade, all disturbed areas above ordinary high water must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

10) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR ALTERATION AND RESTORATION OF INTERMITTENT STREAMS ASSOCIATED WITH MINING

This general permit allows alteration of ephemeral and intermittent streams associated with surface mining activities in the Cumberland Mountain and Cumberland Plateau ecoregions in Tennessee. The Department has determined that upper watersheds within these ecoregions meet criteria that affords mitigation in the form of restoration of the ephemeral stream reaches and conversion of intermittent reaches to emergent This general permit is intended to provide the mining industry with a planning tool and to provide longterm restoration of watersheds that range in size from 0-60 acres. This permit provides a mechanism for the establishment of aquatic habitats through the conversion of existing sediment control structures to an emergent marsh area that includes establishment of aquatic habitats and riparian zones as mitigation. The restoration plan must provide surface drainage continuity to the downstream, unmined reach. The approved mitigation plan must be completed as a post-mining or reclamation condition. Alteration of ephemeral and intermittent streams within the Cumberland Mountain and Cumberland Plateau ecoregions is hereby permitted provided the activity is completed in accordance with the terms and conditions below.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) where wetlands will be adversely affected by the proposed work;

(b) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(c) where the activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;

(d) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or

(e) when an individual permit is required.

Alterations of ephemeral and intermittent streams associated with surface mining activities in the Cumberland Mountain and Cumberland Plateau ecoregions not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

1) The applicant shall apply for coverage to the Division by submitting an original, signed application which includes the following minimum information:

    (a) a map showing the exact location of the proposed work; and

    (b) a single copy of construction plans and which includes all dimensions and specifications for the proposed work including all items outlined below.

2) The applicant must have submitted an application for a coal mine permit issued by the Federal Office of Surface Mining and/or an NPDES permit issued by the Department. These permit numbers must be provided on the application.

3) The notification must include pre-mining conditions and information and post-mining aquatic conditions.

4) The applicant may use maps from the SMCRA or NPDES permit applications to indicate the location of the proposed target watershed(s) and for pond design information.

5) The mitigation for the impacted aquatic resource will consist of a marsh/wetland area with the size calculated by measuring the stream length proposed for alteration (both the blue line and the dashed line) from the applicable USGS quadrangle map and multiplying that length by the bankfull stage stream width at the lowest point of the proposed disturbance. The square footage of water surface calculated in this manner is the area that must be mitigated at a 3:1 ratio.

6) Hydrology sources must be identified and must include both primary (surface run-off) and secondary (ground water) sources. Any hydrology model runs with discharge calculations to support water budgets should be included. Groundwater sources may be "French drain" outlets with estimated discharge volumes.

7) The applicant must include sediment basin design plans that include the plan view and cross sections with spillway elevations to sustain a maximum depth of four feet and side slope depth of 18" to 0". (Basin geometry may require minor cut and fill areas to achieve the desired elevations when the basins are created from the existing sediment control structures.)

8) Construction shall not commence until the Division issues written notification that the proposal may proceed in accordance with the terms of this general permit, or issues an individual permit.

General Terms and Conditions

1) Prior authorization must be obtained by the applicant pursuant to applicable provisions of §404 of the *Clean Water Act* and §26a of *The Tennessee Valley Authority Act.*

2) The wetland / marsh area must provide aquatic habitat enhancements such as logs and rock piles.

3) Native tree and shrub species must be planted adjacent and contiguous to the fringe emergent wetland including inlet channels. This riparian zone should be planted on ten foot centers with twelve foot rows and should extend fifty feet from wetted edge. Tree composition should include at least 50% hard mast. Light seeded species should be avoided.

4) The channel below the wetland must be constructed to replicate the pre-existing condition or return the drainway to a more natural condition in terms of shape and substrate.

5) All materials, construction debris, and other wastes shall be removed to an upland site and disposed in such a manner as to prevent the materials from entering the watercourse down stream from the work site.

6) All materials to be discharged or placed within the waterway below the ordinary high water level must be free of pollutants, contaminants, toxic materials, trash, creosote treated timbers, or other wastes as defined by T.C.A. 69-3-103(18).

7) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

8) The applicant must contact the Division at the completion of the project milestones and upon completion of the project.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR WETLANDS RESTORATION AND ENHANCEMENT

This general permit authorizes wetland restoration and enhancement activities in waters of the state. It is intended to allow restoration and enhancement of altered and degraded wetlands. Restoration activities are typically associated with activities such as greenway development, compensatory mitigation activities, habitat enhancement and watershed protection. Such activities include installation and maintenance of small water control structures, dikes, and berms; backfilling of existing drainage structures; construction of small nesting islands; plowing and disking for seed bed preparation; and other related activities.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(b) where the activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;

(c) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or

(d) when an individual permit is required.

Wetland restoration activities not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

The applicant shall apply for coverage to the Division by submission of an original, signed application, which includes the following minimum information:

(a) a map showing the exact location of the proposed work, and

(b) a single copy of construction plans or drawings which includes all dimensions and specifications for the proposed work.

Work shall not commence until the applicant has been notified that the activity may proceed under the general permit or with any special conditions imposed by the Division.

General Terms and Conditions

1) Prior authorization must be obtained, when necessary, by the applicant pursuant to applicable provisions of §404 of the *Clean Water Act* and §26a of *The Tennessee Valley Authority Act.*

2) All materials to be discharged or placed below ordinary high water must be free of pollutants, contaminants, toxic materials, trash, creosote treated timbers, or other wastes as defined by T.C.A. 69- 3-103(18).

3) Erosion and sediment control measures are required where soil will be disturbed. The control measures must be in place before earthmoving operations begin, maintained throughout the construction period and repaired, if necessary, after rainfall. Control measures such as straw bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stockpiled soil, and along the waterbody in cleared areas to prevent movement of sediments into

the waters. They must be installed parallel to the waterbody, entrenched and staked, and extend the width of the area to be cleared.

4) Slurry water pumped from work areas and excavations must be held in settling basins or treated by filtration prior to its discharge into surface waters. Water must be held in settling basins until at least as clear as the receiving waters. Settling basins shall not be located closer than 20 feet from the top bank of a stream. Settling basins and traps shall be properly designed according to the size of the drainage areas or volume of water to be treated.

5) Clearing, grubbing and other disturbance to riparian vegetation shall be limited to the minimum necessary for grading work and equipment operations. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly stabilized as soon as practicable.

6) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

7) Upon achievement of final grade, all disturbed areas must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director

GENERAL PERMIT FOR IMPOUNDMENT OF INTERMITTENT STREAMS

This general permit allows construction of a dam and impoundment of up to 500 feet of intermittent stream channel. In the case of this general permit, intermittent streams are defined as natural or man made watercourses that cease to flow for sustained periods during a normal rainfall year. Intermittent streams typically cease flow during the later summer through the fall months, although some may exhibit no flow in the channel during wetter months.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) where wetlands will be adversely affected by the proposed work;

(b) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(c) where the activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;

(d) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or

(e) when an individual permit is required.

Dam construction activities not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Persons shall apply for coverage to the Division by submission of an original, signed notification that includes the following minimum information:

(a) a map showing the exact location of the proposed work, and

(b) a single copy of construction plans or drawings which includes all dimensions and specifications for the proposed work.

Work shall not commence until the applicant has been notified that the activity may proceed under the general permit.

General Terms and Conditions

1) Prior authorization must be obtained, when necessary, by the applicant pursuant to applicable provisions of §404 of the *Clean Water Act* and §26a of *The Tennessee Valley Authority Act*.

2) The work may only be commenced where there is no flow in the channel and where sustained flow is not likely to recur during the period of construction. Work may only commence during seasonally dry periods in the case of intermittent streams that exhibit seasonal flow, or regardless of season in the case of channels that flow only periodically.

3) Provision must be made for the conveyance of water through the watercourse during construction, utilizing the original channel or lined diversion channels, etc., to prevent pollution of the stormwater runoff through the watercourse.

4) Erosion and sediment control measures are required where soil will be disturbed. The control measures must be in place before earthmoving operations begin, maintained throughout the construction period and repaired, if necessary, after rainfall. Control measures such as straw bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along the waterbody in cleared areas to prevent movement of sediments into the waters. They must be installed parallel to the waterbody, entrenched and staked, and extend the width of the area to be cleared.

5) Check dams shall be utilized where runoff is concentrated. Clean rock, log, sandbag, or straw bale check dams shall be properly constructed to detain runoff and trap sediment. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants.

6) All materials to be discharged or placed within the waterway below the ordinary high water level must be free of pollutants, contaminants, toxic materials, trash, creosote treated timbers, or other wastes as defined by T.C.A. 69-3-103(18).

7) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

8) Slurry water pumped from work areas and excavations must be held in settling basins or treated by filtration prior to its discharge into surface waters. Water must be held in settling basins until at least as clear as the receiving waters. Settling basins shall not be located closer than 20 feet from the top bank of a stream. Settling basins and traps shall be properly designed according to the size of the drainage areas or volume of water to be treated.

9) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

10) Upon achievement of final grade, the disturbed streambank shall be stabilized with riprap or other suitable material. All other disturbed soils must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director